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BEFORE THE ARIZONA CORPORATION COMMISSION

AZ CORP COMMISSION
DOCKET CONTROL

COMMISSIONERS

Arizona Corporation Commission

TOM FORESE – Chairman
BOB BURNS
ANDY TOBIN
BOYD DUNN
JUSTIN OLSON

2018 OCT 22 P 2:30

DOCKETED

OCT 22 2018

DOCKETED BY

DOCKET NO. E-01345A-16-0036

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR A
HEARING TO DETERMINE THE FAIR VALUE OF
THE UTILITY PROPERTY OF THE COMPANY
FOR RATEMAKING PURPOSES, TO FIX A JUST
AND REASONABLE RATE OF RETURN
THEREON, TO APPROVE RATE SCHEDULES
DESIGNED TO DEVELOP SUCH RETURN.

IN THE MATTER OF FUEL AND PURCHASED
POWER PROCUREMENT AUDITS FOR ARIZONA
PUBLIC SERVICE COMPANY.

DOCKET NO. E-01345A-16-0123

PROCEDURAL ORDER**BY THE COMMISSION:**

On June 1, 2016, Arizona Public Service Company (“APS” or “Company”) filed with the Arizona Corporation Commission (“Commission”) the above-captioned Rate Case Application, which was consolidated with Docket No. E-01345A-16-0123 on August 1, 2016.

In Decision No. 76295 (August 18, 2017), the Commission authorized APS “to defer for possible later recovery through rates, all non-fuel costs...of owning, operating, and maintaining the Selective Catalytic Reduction environmental controls at the Four Corners Power Plant.”¹

Parties to this docket presently are APS, the Commission’s Utilities Division (“Staff”), Richard Gayer; Patricia Ferré; Warren Woodward; IO Data Centers, LLC (“IO”); Freeport Minerals Corporation (“Freeport”); Arizonans for Electric Choice and Competition (“AECC”); Sun City Home Owners Association (“Sun City HOA”); Western Resource Advocates (“WRA”); Arizona Investment Council (“AIC”); Arizona Utility Ratepayer Alliance (“AURA”); Property Owners and Residents Association of Sun City West (“PORA”); Arizona Solar Energy Industries Association (“AriSEIA”); Arizona School Boards Association (“ASBA”) and Arizona Association of School Business Officials

¹ Decision No. 76295, page 108.

1 (“AASBO”) (collectively “ASBA/AASBO”); Cynthia Zwick; Arizona Community Action Association
2 (“ACAA”); Southwest Energy Efficiency Project (“SWEEP”); the Residential Utility Consumer Office
3 (“RUCO”); Vote Solar; Electrical District Number Eight and McMullen Valley Water Conservation &
4 Drainage District (collectively, “ED8/McMullen”); The Kroger Co. (“Kroger”); Tucson Electric Power
5 Company (“TEP”); Pima County; Solar Energy Industries Association (“SEIA”); the Energy Freedom
6 Coalition of America (“EFCA”); Wal-Mart Stores, Inc. and Sam’s West, Inc. (collectively,
7 “Walmart”); Local Unions 387 and 769 of the International Brotherhood of Electrical Workers, AFL-
8 CIO (collectively, “the IBEW Locals”); Calpine Energy Solutions LLC (“Calpine Solutions”)(formerly
9 Noble Energy Solutions, LLC); the Arizona Competitive Power Alliance (“the Alliance”); Electrical
10 District Number Six, Pinal County, Arizona (“ED 6”), Electrical District Number Seven of the County
11 of Maricopa, State of Arizona (“ED7”), Aguila Irrigation District (“AID”), Tonopah Irrigation District
12 (“TID”), Harquahala Valley Power District (“HVPD”), and Maricopa County Municipal Water
13 Conservation District Number One (“MWD”) (collectively, “Districts”); the Federal Executive
14 Agencies (“FEA”); Constellation New Energy, Inc. (“CNE”); Direct Energy, Inc. (“Direct Energy”);
15 AARP; the City of Sedona (“Sedona”); Arizona Solar Deployment Alliance (“ASDA”); the City of
16 Coolidge (“Coolidge”); REP America d/b/a ConservAmerica (“ConservAmerica”); and Granite Creek
17 Power & Gas and Granite Creek Farms LLC (collectively, “Granite Creek”).

18 On April 27, 2018, APS docketed a Request for Approval of a Selective Catalytic Reduction
19 Adjustment.

20 On May 2, 2018, APS filed a Request for Procedural Schedule. In its Request, APS provided a
21 proposed procedural schedule, and noted that Staff and RUCO supported the proposed schedule.

22 On May 4, 2018, WRA filed its Notice of Intent to Participate in Proceedings. WRA requested
23 that a procedural conference be set to allow WRA to provide input on the proposed schedule.

24 On May 11, 2018, by Procedural Order, a telephonic procedural conference was set for May
25 17, 2018.

26 The procedural conference was held as scheduled on May 17, 2018. Present through counsel
27 were APS, RUCO, WRA, EFCA and Staff. The parties discussed setting a hearing, a procedural
28 schedule, and appropriate customer notice. Counsel for EFCA stated that EFCA does not intend to

1 participate in this proceeding.

2 On May 18, 2018, by Procedural Order, a hearing was set to begin on \September 5, 2018 and
3 to continue on September 6 and 7, 2018, as necessary.

4 On May 30, 2018, RUCO filed a Notice of Filing to provide notice that it intends to continue
5 to actively participate in these proceedings.

6 On May 31, 2018, WRA and ACAA filed a Notice of Intent to Participate.

7 On June 8, 2018, Sierra Club filed an Application for Leave to Intervene.

8 On June 13, 2018, by Procedural Order, Sierra Club's Application for Leave to Intervene was
9 granted.

10 On June 15, 2018, Freeport and AECC filed a Notice of Continuation of Participation, stating
11 that Freeport and AECC intend to continue to actively participate in this matter.

12 On the same date, Walmart filed a Notice of Intent to Participate.

13 Also on June 15, 2018, the Districts filed a Notice of Continuation of Participation.

14 On June 20, 2018, Pima County filed a Notice of Non-Participation.

15 On June 22, 2018, APS filed an Objection to Sierra Club's First Set of Data Requests and a
16 Motion for Protective Order ("Motion"), requesting a Protective order that (i) relieves APS of the
17 burden of responding to Request Nos. 1.2, 1.3, 1.5 through 1.17, 1.20(c) and (d), 1.24, 1.25 (as it relates
18 to the continued operation or retirement of the Plant), and limit 1.23; (ii) precludes similar discovery
19 in the future; (iii) clarifies that the scope of this proceeding concerns whether and how APS may recover
20 the deferral and revenue requirement associated with installing the SCRs at Four Corners; and (iv)
21 clarifies that the scope of this proceeding specifically does not include any issue related to whether the
22 continued operation of Four Corners would be prudent.

23 On June 26, 2018, by Procedural Order, a procedural conference was scheduled for July 10,
24 2018.

25 On July 2, 2018, San Juan Citizens Alliance, Tó Nizhóní Aní, and Diné CARE (collectively,
26 the "Citizen Groups,") and Arizona Energy Policy Group, Inc. ("AEPG") filed Applications for Leave
27 to Intervene.

28 On July 5, 2018, Sierra Club filed its Response in Opposition to Arizona Public Service

1 Company's Motion for a Protective Order and Objection to Sierra Club's First Set of Data Requests
2 ("Response").

3 Also on July 5, 2018, Sierra Club filed a Motion to Associate Counsel Pro Hac Vice and a
4 Motion to Appear Telephonically, requesting authority to associate Shannon Fisk of Earthjustice and
5 Marta Darby of Sierra Club as counsel for Sierra Club and requesting permission to appear
6 telephonically because Mr. Shannon Fisk of Earthjustice will be out of the country.

7 On July 6, 2018, by Procedural Order, Ms. Marta Darby and Mr. Shannon Fisk were admitted
8 Pro Hac Vice in the above-captioned matter and Sierra Club's Motion to Appear Telephonically at the
9 July 10, 2018, procedural conference was granted.

10 On July 10, 2018, the procedural conference convened as scheduled. Present at the procedural
11 conference were APS, Sierra Club, WRA, ACAA, RUCO, and Staff.

12 On July 11, 2018, by Procedural Order, intervention was granted to the Citizens Group and
13 Arizona Energy Policy Group, Inc. The Procedural Order further ordered that the scope of these
14 proceeding encompasses solely the recovery of all non-fuel costs of owning, operating, and maintaining
15 the Selective Catalytic Reduction environmental controls at the Four Corners Power Plant, as
16 contemplated in Decision No. 76295; that the Protective Agreement entered into by the parties during
17 the first phase of this docket shall be used by intervenors new to the matter if they wish to obtain
18 confidential or highly confidential information from other parties; and set various filing deadlines.

19 On July 17, 2018, ED 8/McMullen filed a Notice of Intent to Participate.

20 On July 20, 2018, Vote Solar filed a Notice of Withdrawal of Counsel stating that Chinyere A.
21 Osuala and David Bender have terminated their representation of Vote Solar in this matter. Vote Solar
22 further stated that Shannon Fisk respectfully asked to be removed as attorney of record for Vote Solar
23 in this case.

24 On July 25, 2018, RUCO filed a Notice of Filing the Direct Testimony of John Cassidy.

25 Also on July 25, 2018, Walmart filed a Notice of Filing Direct Testimony of Gregory W.
26 Tillman on the Four Corners Adjustment Schedule.

27 On that same date, Citizen Groups filed a Notice of Filing Direct Testimony of Nicole
28 Horseherder and Michael Eisenfeld.

1 Western Resource filed a Notice of Filing Direct Testimony of Douglas J. Howe on Behalf of
2 Western Resource Advocates on July 25, 2018.

3 Also on July 25, 2018, ACAA filed a Notice of Filing Direct Testimony of Cynthia Zwick on
4 behalf of Arizona Community Action Association.

5 On July 25, 2018, Staff filed a Notice of Filing Direct Testimony.

6 On August 9, 2018, APS filed a Notice of Filing Rebuttal Testimony.

7 On August 10, 2018, Sierra Club filed a Notice of Withdrawal, stating that Sierra Club wishes
8 to withdraw as an intervenor in these dockets.

9 On August 13, 2018, by Procedural Order, Sierra Club's request to withdrawal was granted.

10 On August 27, 2018, Freeport and AECC filed a Notice of Filing Surrebuttal Testimony of
11 Kevin C. Higgins on behalf of Freemort Minerals Corporation and Arizonans for Electric Choice and
12 Competition.

13 On August 28, 2018, Walmart filed its Notice of Filing surrebuttal Testimony of Gregory W.
14 Tillman on the Four Corners Adjustment Schedule.

15 On August 29, 2018, Staff filed its Notice of Filing Surrebuttal Testimony

16 Also on August 29, 2018, RUCO filed its Notice of Filing Surrebuttal Testimony of John
17 Cassidy.

18 Also on August 29, 2018, WRA filed its Notice of Filing Surrebuttal Testimony of Douglas J.
19 Howe on Behalf of Western Resource Advocates.

20 Also on August 29, 2018, Citizen Groups filed its Notice of Filing Direct Surrebuttal Testimony
21 of Michael Eisenfeld.

22 Also on August 29, 2018, Walmart and Citizen Groups filed a Motion to Appear Telephonically
23 at the August 30, 2018 Pre-Hearing Conference.

24 On August 30, 2018, the Districts filed their Notice of Non-Appearance, stating they will not
25 be appearing or otherwise participating in the hearing.

26 On August 31, 2018, Staff filed its Notice of Filing Surrebuttal Testimony.

27 The hearing convened on September 5, 2018. Present at the hearing through counsel were APS,
28 ACAA, WRA, Freeport, AECC, Walmart, AEPG, ED8/McMullen, Citizens Group, and Staff.

1 On September 14, 2018, Staff filed its Notice of Filing Late Filed Exhibit.

2 On September 21, 2018, APS, ACAA, WRA, Freeport, AECC, Walmart, AEPG, and Citizens
3 Group each filed their respective Post-Hearing Briefs.

4 On September 24, 2018, Staff filed its Post-Hearing Brief.

5 On October 18, 2018, Walmart filed a Motion to Associate Counsel Pro Hac Vice, to associate
6 Lisa Vickers Perry, attorney for Walmart, as counsel pro hac vice and attached all the requisite
7 documents.

8 IT IS THEREFORE ORDERED that **Walmart, Inc.'s Motion to Associate Counsel Pro Hac**
9 **Vice, is granted.**

10 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural**
11 **Order Regarding Consent to Email Service** issued in this matter on **July 22, 2016**, for additional
12 information regarding the process to consent to service by email. Information regarding Consent to
13 Email Service is also available on the Commission's website (www.azcc.gov) by clicking on "I Want
14 To" and then "Learn about Consenting to Email Service."

15 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
16 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
17 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
18 all hearings, procedural conferences, and Open Meetings for which the matter is scheduled for
19 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
20 Law Judge or Commission.

21 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
22 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

23 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
24 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
25 in this matter is final and non-appealable.

26 ...

27 ...

28 ...

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
2 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 DATED this 22 day of October, 2018.

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7 BELINDA A. MARTIN
8 ADMINISTRATIVE LAW JUDGE
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On this 22nd day of October, 2018, the foregoing document was filed with Docket Control as a Procedural Order – Miscellaneous, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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